

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/179, 945      10/27/98      ADAMS

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QM32/0607

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EXAMINER

PARADISO, J

ART UNIT      PAPER NUMBER

3713

DATE MAILED:

06/07/00

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. 09/179,945	Applicant(s) ADAMS ET AL
	Examiner John Paradiso	Group Art Unit 3713

Responsive to communication(s) filed on 10/27/98

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claim

Claim(s) 1-17 is/are pending in the application.  
 Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-17 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 6, 10, 11, 13-15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by BIRENBAUM ET AL.

BIRENBAUM ET AL discloses a programmable apparatus for aiding a player in a game of bingo. The apparatus comprises a processor (26) with port connections for various I/O, memory, and power functions. The processor receives instructions from an input device comprising input keys (18) that allow the user to enter data associated with the game. The processor also receives information from a memory module (14) which contains the configurations and serial numbers of a large set of bingo cards (both regular and paper cards) as well as the possible winning configurations. The processor sends data to an output device in the form of a display (16) that so that game information can be read by the user. (See BIRENBAUM ET AL columns 1-4 and figure 1 and 3.)

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**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 7, 8, 12, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over BIRENBAUM ET AL.

BIRENBAUM ET AL discloses a programmable apparatus for aiding a player in a game of bingo, as described in paragraph 2 above.

BIRENBAUM ET AL does not disclose the use of a security feature to prevent unauthorized access to stored data, the use of rechargeable batteries with a recharging circuit, the specific voltages used to power the apparatus, the specific winning combinations, or the storage of specific card schedules.

Regarding claim 2, Applicant is given Official Notice that the use of passwords and passcodes is well known in the art to secure any form of data stored on a computer and it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of BIRENBAUM ET AL to connect a security feature to the processor to prevent unauthorized access to the stored information of the apparatus.

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Regarding claim 7, Applicant is given Official Notice that the use of rechargeable batteries is well known in the art to provide power to handheld electronic devices and it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of BIRENBAUM ET AL to use rechargeable batteries that can be recharged by an external power source. Note that BIRENBAUM ET AL does specifically disclose the possibility of connecting the apparatus to an external power source.

Regarding claim 8, the use of low voltage direct current to power electronic equipment is well known in the art. Further, the use of specific voltages to power specific components depending upon their makeup and operational needs is also well known. The availability of -17Vdc, +5Vdc, and +12Vdc from the power supply to power the electronic components of the apparatus is an obvious matter of engineering design choice, since Applicant has not disclosed that the use of these particular voltages (which are common voltage requirements for many electronic components) solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any voltages that would meet the needs of the electronic components used in the apparatus.

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Regarding claim 12, BIRENBAUM ET AL discloses the storage of common bingo win patterns in the memory. While BIRENBAUM ET AL does not specifically disclose which patterns these are, the winning combinations of X shape, picture frame, fill-up, U-shape, and C-shape are well known to those skilled in the art (as well as to all bingo players) and it would have been obvious to one of ordinary skill in the art at the time the invention was made to program the memory to know these winning combinations.

Regarding claim 16, BIRENBAUM ET AL specifically discloses that the processor receives information from a memory module which contains the configurations and serial numbers of a large set of bingo cards. While the specifics of type, brand, cut, and collation are not disclosed, the use of electronic memory to store collations of this sort is well known in the art (storing collatable databases is, in fact, one of the primary purposes of computers) and it would have been obvious to one of ordinary skill in the art at the time the invention was made to store in the memory module of BIRENBAUM ET AL a set of bingo cards cross-references by serial number, type, brand, cut, and collation in order to enable the game master to use the specific type of card for which they are licensed or simply used to.

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5. Claims 2, 4, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over BIRENBAUM ET AL in view of RICHARDSON (US 4,747,600).

BIRENBAUM ET AL discloses a programmable apparatus for aiding a player in a game of bingo, as described in paragraph 2 above.

BIRENBAUM ET AL does not disclose using the apparatus to communicate with other similar apparatus' with a communications protocol or keeping an account of cash which is debited for games and credited for wins.

RICHARDSON discloses a programmable apparatus for aiding a player in a game of bingo in which a base unit processor (10) communicates with a remote player apparatus processor (12) through a communication port (24). The base unit processor also communicates with validation unit processors (14) which in turn use cables (30) to communicate with the player apparatus processors. The validation unit processors also send credit information to the player apparatus processor upon verification of a win. (See RICHARDSON columns 3-7 and figure 1.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of BIRENBAUM ET AL to use a communication protocol to connect to another processor, as taught by RICHARDSON, to enable the validation and payout upon fulfilling a winning combination.

It would also have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of BIRENBAUM ET AL to provide a cash account which could be debited for games and credit for validated wins, as taught by RICHARDSON.

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**Response to Arguments**

6. Applicant's arguments set forth in the paper titled "Preliminary Amendment" has been entered as paper number 2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

7. The following prior art made of record and not relied upon is considered pertinent to Applicant's disclosure:

- ITKIS discloses a programmable apparatus for aiding a player in a game of bingo.
- POCOCK ET AL discloses a programmable apparatus for aiding a player in a game of bingo played remotely.
- RICHARDSON (US 4,798,387) discloses a programmable apparatus for aiding a player in a game of bingo.
- GLUZ ET AL discloses a programmable apparatus for aiding a player in a game of bingo or lotto.
- DiFRANCESCO ET AL discloses a programmable apparatus for analyzing bingo games.
- TROY ET AL discloses a lottery system with remote players.
- BOLAN discloses a programmable apparatus for aiding a player in a game of bingo.
- HENKEL discloses a programmable apparatus for aiding a player in a game of bingo.

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- FITZPATRICK ET AL discloses a portable lottery number generator.
- SIMUNEK discloses a keno player aid.
- REIBEL ET AL discloses a personal gambling aid.
- CAPETTA discloses a game system with remote player consoles and winnings transmission.
- FIELDS ET AL discloses a personal lottery aid.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to:



Examiner John Paradiso  
Telephone: (703) 308-2825  
Fax: (703) 305-3579/3580

June 4, 2000